UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,650	09/20/2000	Alan Peevers	17002-018110US	5451

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EXAMINER
BECKER, SHAWN M

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- Th *MAILING DATE of this communication app ars on th cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 September 2003_.

2a)☒ This action is **FINAL**.　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4 and 6-11_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4 and 6-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _15 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

　　a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to communication filed 9/15/03.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 6,285,381 to Sawano et al. (hereinafter Sawano) and U.S. Patent No. 6,001,013 to Ota.

Referring to claim 1, Sawano describes a method of generating a computer-generated

animation, which displays an animation scene including a plurality of 3D objects and an object

selection screen for allowing a user to select one object currently displayed in the animation

scene as a selected object. See col. 8, lines 23-29, which describes how the user can select an

initial object, such as a doll or animal. Fig. 11 shows an example of a 3D object. Sawano

provides a video signal from a source external to the computer, displays a video selection icon,

and if the user clicks the video selection icon, texture maps the video signal onto the selected

object in the animation scene so that texture-mapped video signal is displayed on the surface of

the selected object. See col. 8, lines 34-50, which describe capturing the image from a video

signal through the use of an icon and col. 8, line 63 - col. 9, line 15, which describes how the

video signal is used as a texture for the scene.

Sawano does not explicitly teach that the animation provides a visual accompaniment to

music or that the appearance of the texture-mapped video signal displayed on the surface of the

selected object is altered based on music events. However, Sawano describes how the created image (texture-mapped video signal displayed on the surface of the selected object) may be animated and move according to a predetermined operating program (col. 4, lines 14-17); this movement alters the appearance of the texture mapped video signal displayed on the surface of the object. Sawano describes incorporating the created image into a video game (i.e. col. 12, lines 27-33). Ota describes a video game, in which an animated character serves as a visual accompaniment to music, and the image of the character is altered based on music events. See Ota at col. 1, line 40 - col. 2, line 35, which describes how animated characters on the screen perform dance moves (are altered) based on beat data from the music. It would have been obvious to one of ordinary skill in the art implement the dance game of Ota as the predetermined operating program in Sawano, such that the texture-mapped video signal of the surface of the object in Sawano is altered based on music events that accompany the animation as taught by Ota in order for the user of the video game system to enjoy competing for superiority of sense of rhythm as supported by Ota (col. 1, lines 25-33) with their own created/modified character as supported by Sawano.

Referring to claim 2, Sawano discloses that the video signal is provided through the use of a video camera to generate the video signal in real time. See col. 8, line 38.

3.   Claims 3-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawano, Ota, and U.S. Patent No. 5,696,892 to Redmann et al. (hereinafter Redmann).

Referring to claim 3, although Sawano and Ota mention that the video signal may be texture mapped onto a face (Sawano at col. 7, lines 45-53), Sawano and Ota do not explicitly teach displaying a face template that is scaled to match a target object and orienting a video

signal image so that an image of a face is aligned with the face template and features of the face are overlaid by feature indications of the template. However, Redmann teaches a method of creating 3D animation that uses predefined images and texture maps a video signal to the predefined images (col. 4, lines 48-65), which is similar to Sawano. Redmann teaches displaying a face template having facial feature indications and oriented and scaled to match a target object included in the animation, with feature indications corresponding to similarly oriented regions on the target object, orienting a video signal image so that an image of a face is aligned with the face template and features of the face are overlaid by feature indications of the template, and mapping features of the face aligned to feature indications of the template to corresponding regions of the target object. See col. 17, lines 23-33, which describe how key features, such as the chin and nose of a real person's face are aligned with a 3D virtual world face, and the texture of the real face is mapped to the animated face. Redmann discloses deforming part of a surface of a target object onto which the features of the face are mapped. See col. 2, lines 54-67 and col. 17, lines 15-38 which describe using curves and sculpting (deforming) the target object. It would have been obvious to one of ordinary skill in the art to modify the animation video game method of Sawano and Ota to orient the video signal image to align with facial features of a face template and texture map the video signal to the feature indications of the template as taught by Redmann in order to provide a realistic 3D representation of a face as described by Redmann.

Referring to claims 4 and 6, although Sawano and Ota disclose altering the appearance of the texture-mapped video through animation (Sawano at col. 3, lines 30-33) through controls for brightness, contrast, and tones (col. 9, lines 3-8), it is not clear that the appearance of the texture is altered when a selected event is detected during the playing of the video signal.

However, Redmann describes altering the texture-mapped video when selected events are detected during the playing of the video signal. See col. 4, lines 14-27. Redmann discloses detecting a selected event in the video signal being texture mapped (claim 6). See col. 19, lines 32-40, which describe detecting events from a scripted performance by an actor, whose video is being texture mapped. It would have been obvious to one of ordinary skill in the art to modify the animated video game method of Sawano and Ota to include altering the texture-mapped video when selected events are detected during the playing of the video signal as taught by Redmann in order to animate the object/character based on movements or scripts by the actor as supported in Redmann.

Referring to claim 7, Sawano, Ota, and Redmann do not explicitly state detecting when the luminescence parameter of the video signal passes a threshold, but Sawano implies detecting when the luminescence parameter of the video signal passes a threshold. See col. 41-46, which describes converting the luminance data into monochrome texture data. It would have been obvious to one of ordinary skill in the art to ensure the video game animation method of Sawano, Ota, and Redmann detected when the luminescence parameter passed a threshold because a very high luminescence would not show up well on the display and would distort the image.

Referring to claim 8, Sawano discloses altering the texture-mapped video comprises altering an image parameter of the texture-mapped video. See col. 9, lines 3-8.

Referring to claim 9, Sawano discloses altering the texture-mapped video comprises altering a display palette for the texture-mapped video to cause the texture-mapped video to appear blocky. As an example, see Figs. 16 and 17.

Referring to claim 10, Sawano discloses altering comprises the acts of altering the luminosity of selected areas of the texture-mapped video. See col. 9, lines 3-8, which describe altering the brightness of selected areas of the texture-mapped video.

Referring to claim 11, Sawano discloses that altering comprises elevating a first region of the texture-mapped video when a selected event is detected and depressing a second region of the texture-mapped video when a selected event is detected. See col. 12, lines 20-26, which describes giving motion to individual parts of the body of the character, which includes elevating and depressing regions of the texture-mapped video when texture data is read.

Response to Arguments

4.   Applicant's arguments, see first three sections on page 9, filed 9/15/03, with respect to objections to the claims and drawings and the U.S.C. § 112 rejection to claim 1 have been fully considered and are persuasive in view of the amendments. The objections to the drawings and claim 7 and the rejection of claim 1 under U.S.C. § 112 have been withdrawn.

5.   Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant agues the newly presented limitations to claim 1, concerning the altering of the appearance of the texture-mapped video signal displayed on the surface of the selected object based on music events. As described above, Ota is directed at a video game that animates characters according to beat data from music, and Sawano is directed at modifying characters in video games to reflect the appearance of a user through texture mapping a video signal of a user to a character in the game. Therefore, the combination of Sawano and Ota teach every limitation in claim 1.

Conclusion

6.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action. The documents cited therein teach

methods of altering video images or characters based on music or audio events.

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
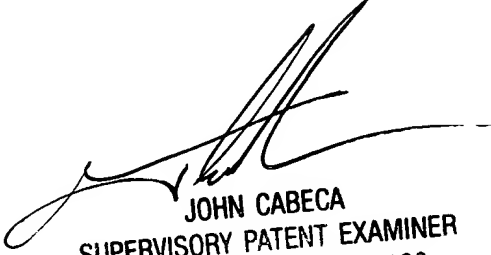
final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756.

The examiner can normally be reached on M-Th 8:00 - 5:30 and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone number for the

organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

smb

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100